Cr. Appeal No.393/2003

27.8.2009 Present: Mr. None for the appellant.

Mr. Sandeep Sharma, Assistant Solicitor General of India.

Mr. Ramesh Thakur, Assistant Advocate General for respondent No.1.

We have seen the affidavit filed by Principal Secretary (Home), Government of Himachal Pradesh. We find that the Secretary has just made excuses for delay and inaction on his part. He was supposed to be knowing that the original documents, he had been looking for, were there in the Court file and in the first instance itself he should have applied to the Court for certified copies of those documents instead of making reference to the office of Advocate General or Superintendent of Police, Mandi or District Magistrate, Mandi. Also, we find that the record, which he was looking for in the office of Advocate General or Superintendent of Police, had been in his own office as Secretary (Home) for quite some time. He is directed to file supplementary affidavit explaining his position. Affidavit be filed on or before 8.10.2009.

Copy of the report alongwith affidavit of Under Secretary, Ministry of Home Affairs, Government of India, has been filed. Let the final decision of the Government of India be awaited and the matter be listed for passing orders on receipt of such final decision.

Copy of this order be given Dasti to the learned Assistant Advocate General.

(Surjit Singh), J.

August 27, 2009(ss) **(Kuldip Singh), J.**